

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO. 1:19-cr-00028-MR-WCM-2**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **ORDER**
)
)
RODNEY DEJUAN ALLISON,)
)
Defendant.)
)

THIS MATTER is before the Court for a screening review of the Defendant's Motion for Reduction of Sentence. [Doc. 409].

The Defendant previously filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255, which motion was denied. [Doc. 389]. The Defendant appealed the denial of that motion, and that appeal currently remains pending. By the present motion, it appears that Defendant intends to request a sentence reduction based on compassionate release under 18 U.S.C. § 3582(c)(1)(A) and, alternatively, a sentence reduction pursuant to 18 U.S.C. § 3582.¹ [See id. at 7].

¹ The Defendant also argues that counsel provided ineffective assistance, which was an issue he raised in his § 2255 motion. [See Doc. 409 at 9-10].

Because the appeal of the Order denying the Defendant's § 2255 motion is still pending, the Court will hold the Defendant's present Motion for Reduction of Sentence in abeyance pending resolution of that appeal.

IT IS, THEREFORE, ORDERED that the Defendant's Motion [Doc. 409] will be treated as one for a sentence reduction based on compassionate release under 18 U.S.C. § 3582(c)(1)(A) and, alternatively, as one for a sentence reduction pursuant to 18 U.S.C. § 3582 in the Defendant's criminal proceeding. The Clerk's Office is directed to update the docket accordingly.

IT IS FURTHER ORDERED that the Defendant's Motion [Doc. 409] shall be **HELD IN ABEYANCE** pending resolution of the appeal of the Order denying the Defendant's § 2255 motion.

IT IS SO ORDERED.

Signed: January 13, 2025



Martin Reidinger
Chief United States District Judge

